

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

<b>DANA ALBRECHT,</b>	)	
<i>[DESTINIE L. BERARD]</i> <sup>1</sup>	)	
	)	
<b>Plaintiff(s)</b>	)	
<b>v.</b>	)	<b>Civil No. 1:25-cv-00093-SM-AJ</b>
	)	
<b>HON. JOHN PENDLETON, <i>et al.</i>,</b>	)	
	)	
<b>Defendants.</b>	)	

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**PLAINTIFF(S)' OBJECTION TO  
NEW HAMPSHIRE PUBLIC DEFENDER'S MOTION TO DISMISS ([ECF No. 41](#))**

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NOW COME Plaintiff(s) and respectfully object to the New Hampshire Public Defender's Motion to Dismiss ([ECF No. 41](#)) . In further support, Plaintiff(s) state as follows:

1. A Memorandum of Law in opposition to the New Hampshire Public Defender's Motion to Dismiss is submitted separately and incorporated herein by reference as if set forth in full.
2. For the reasons stated therein, the Court should deny NHPD's motion to dismiss. The amended complaint alleges concrete injury, plausible statutory and constitutional violations, and a live controversy involving a state-

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<sup>1</sup> Ms. Berard has filed a *Motion for Joinder* ([ECF No. 24](#)) that is presently pending.

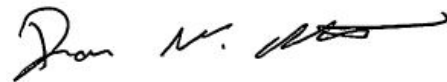
embedded actor. Mootness, abstention, and corporate form do not insulate NHPD from judicial review.

3. In the alternative, should the Court find any uncertainty regarding standing or state action, Plaintiff(s) respectfully request narrowly tailored jurisdictional discovery.

WHEREFORE, Plaintiff(s) respectfully request that this Court:

- A) Deny the New Hampshire Public Defender's Motion to Dismiss (ECF No. 41);
- B) In the alternative, allow narrowly tailored jurisdictional discovery; and,
- C) Grant such other and further relief as this Court deems just and proper.

Respectfully submitted,



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DANA ALBRECHT

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July 17, 2025

**CERTIFICATE OF SERVICE**

I, Dana Albrecht, certify that a copy of this Objection has been served on all parties of record via the CM/ECF system.

A handwritten signature in black ink, appearing to read "Dana N. Albrecht", written over a horizontal line.

DANA ALBRECHT

July 17, 2025.